

AMENDED IN SENATE SEPTEMBER 1, 2011

AMENDED IN SENATE AUGUST 22, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 706

Introduced by Assembly Member Torres

**(Principal coauthors: Assembly Members Eng, Hagman, and
Roger Hernández)**

(Principal coauthors: Senators Hernandez and Huff)

February 17, 2011

An act to amend Sections 132400, 132410, and 132415 of the Public Utilities Code, relating to the ~~Pasadena Metro Blue Line~~ *Metro Gold Line Foothill Extension* Construction Authority, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 706, as amended, Torres. ~~Pasadena Metro Blue Line~~ *Metro Gold Line Foothill Extension* Construction Authority.

Existing law creates the Pasadena Metro Blue Line Construction Authority for purposes relating to the development of a light rail project extending from the City of Los Angeles to the Cities of Pasadena and Claremont. Existing law provides that the authority shall be governed by a board consisting of 5 voting members and one nonvoting member and requires the authority to adopt a code of conduct for officers and board members of the authority that, among other things, specifies circumstances under which a board member shall be deemed to have a financial interest in a decision.

This bill would ~~authorize the authority to also use the name~~ *redefine the authority as the* Metro Gold Line Foothill Extension Construction

Authority for purposes of these provisions. The bill would provide that the board shall consist of 5 voting members and 3 nonvoting members, would require the additional 2 nonvoting members to be appointed by the City Councils of the Cities of Pasadena and South Pasadena, as specified, and would require each appointing authority to also appoint an alternate member, as specified. The bill would also specify circumstances under which board members; *and* alternate members; ~~officers, consultants, and employees~~ of the authority shall not be considered financially interested and may participate in decisions and agreements regarding the authority, any appointing authority, and any ~~city adjoining the project right-of-way~~ *extension city, as defined.* The bill would provide that a board member may simultaneously hold specified governmental positions without the holding of those positions constituting an incompatible office or activity, as specified.

Because the bill would impose new duties on local agencies, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 132400 of the Public Utilities Code is
- 2 amended to read:
- 3 132400. For purposes of this chapter, the following terms have
- 4 the following meanings:
- 5 (a) The “authority” is the *Metro Gold Line Foothill Extension*
- 6 *Construction Authority created under this chapter, formerly known*
- 7 *as the Pasadena Metro Blue Line Construction Authority* ~~created~~
- 8 ~~under this chapter. The authority may also use the name Metro~~
- 9 ~~Gold Line Foothill Extension Construction Authority.~~
- 10 (b) The “board” is the governing board of the authority.

1 (c) The “commission” is the California Transportation
2 Commission.

3 (d) The “LACMTA” is the Los Angeles County Metropolitan
4 Transportation Authority.

5 (e) The “project” is the Los Angeles-Pasadena-Metro Blue
6 *Foothill Extension Gold Line* light rail project, *formerly known as*
7 *the Los Angeles-Pasadena Metro Blue Line*, extending from Union
8 Station in the City of Los Angeles to Sierra Madre Villa Boulevard
9 in the City of Pasadena and any mass transit guideway that may
10 be planned east of Sierra Madre Villa Boulevard along the rail
11 right-of-way extending to the City of Claremont.

12 (f) *The “extension cities” are the cities of Arcadia, Monrovia,*
13 *Duarte, Irwindale, Azusa, Glendora, San Dimas, La Verne,*
14 *Pomona, and Claremont.*

15 SEC. 2. Section 132410 of the Public Utilities Code is amended
16 to read:

17 132410. (a) The authority has all of the powers necessary for
18 planning, acquiring, leasing, developing, jointly developing,
19 owning, controlling, using, jointly using, disposing of, designing,
20 procuring, and building the project, including, but not limited to,
21 all of the following:

22 (1) Acceptance of grants, fees, and allocations from the state,
23 local agencies, and private entities.

24 (2) Acquiring, through purchase or through eminent domain
25 proceedings, any property necessary for, incidental to, or
26 convenient for, the exercise of the powers of the authority.

27 (3) Incurring indebtedness, secured by pledges of revenue
28 available for project completion.

29 (4) Contracting with public and private entities for the planning,
30 design, and construction of the project. These contracts may be
31 assigned separately or may be combined to include any or all tasks
32 necessary for completion of the project.

33 (5) Entering into cooperative or joint development agreements
34 with local governments or private entities. These agreements may
35 be entered into for the purpose of sharing costs, selling or leasing
36 land, air, or development rights, providing for the transferring of
37 passengers, making pooling arrangements, or for any other purpose
38 that is necessary for, incidental to, or convenient for the full
39 exercise of the powers granted the authority. For purposes of this
40 paragraph, “joint development” includes, but is not limited to, an

1 agreement with any person, firm, corporation, association, or
2 organization for the operation of facilities or development of
3 projects adjacent to, or physically or functionally related to, the
4 project.

5 (6) Relocation of utilities, as necessary for completion of the
6 project.

7 (b) The duties of the authority include, but are not limited to,
8 all of the following:

9 (1) Conducting the financial studies and the planning and
10 engineering necessary for completion of the project.

11 (2) (A) Adoption of an administrative code, not later than 60
12 days after establishment of the authority, for administration of the
13 authority in accordance with any applicable laws, including, but
14 not limited to, the Ralph M. Brown Act (Chapter 9 (commencing
15 with Section 54950) of Part 1 of Division 2 of Title 5 of the
16 Government Code), contracting and procurement laws, laws
17 relating to contracting goals for minority and women business
18 participation, and the Political Reform Act of 1974 (Title 9
19 (commencing with Section 81000) of the Government Code).

20 (B) (i) The administrative code adopted under subparagraph
21 (A) shall include a code of conduct for employees and board
22 members that is consistent with Sections 84308 and 87103 of the
23 Government Code and prohibits board members and staff from
24 accepting gifts valued at ten dollars (\$10) or more from contractors,
25 potential contractors, or their subcontractors.

26 (ii) The code shall require the disclosure, on the record, of the
27 proceedings by the officer of the agency who receives a
28 contribution within the preceding 24 months in an amount of more
29 than two hundred fifty dollars (\$250) from a party or participant
30 to a proceeding, and the disclosure by the party or participant.

31 (iii) The code shall provide that no officer of the agency shall
32 make, participate in making, or in any way attempt to use his or
33 her official position to influence the decision in a proceeding, as
34 described in Section 84308 of the Government Code, if the officer
35 has willfully or knowingly received a contribution in the amount
36 of more than two hundred fifty dollars (\$250) within the preceding
37 24 months from a party or his or her agent, or from any participant
38 or his or her agent if the participant has a financial interest in the
39 decision.

1 (iv) Any officer deemed ineligible to participate in a proceeding
2 due to the provisions of this code of conduct may be replaced for
3 the purposes of that proceeding by an appointee chosen by the
4 appropriate appointing authority.

5 (v) Under the code of conduct, board members shall be deemed
6 to have a financial interest in a decision within the meaning of
7 Section 87100 of the Government Code if the decision involves
8 the donor of, or intermediary or agent for a donor of, a gift or gifts
9 aggregating ten dollars (\$10) or more in value within the 12 months
10 prior to the time the decision was made.

11 (vi) Board members, *and* alternate members, ~~officers,~~
12 ~~consultants, and employees~~ shall not be considered financially
13 interested, *under or for the purposes of Section 1090 of the*
14 *Government Code*, solely by virtue of their holding office with ~~or~~
15 ~~being employed by~~ the authority and, concurrently, holding office
16 with ~~or being employed by~~ an entity set forth in subdivision (a) of
17 Section 132415, ~~a city adjoining the project right-of-way an~~
18 ~~extension city~~, or both such an entity and such a city, and they may
19 participate in decisions and agreements regarding the authority,
20 any of the entities set forth in subdivision (a) of Section 132415,
21 and any of the ~~cities adjoining the project right-of-way extension~~
22 ~~cities~~. The participation described in this clause shall not constitute
23 a conflict of interest under or for the purposes of Section 1090 of
24 the Government Code, or an incompatible employment, activity,
25 or enterprise under or for the purposes of Section 1126 of the
26 Government Code.

27 (c) The authority shall make reasonable progress, as determined
28 by the commission, in the design and construction of the project
29 within the timetable imposed under the 1998 State Transportation
30 Improvement Program.

31 SEC. 3. Section 132415 of the Public Utilities Code is amended
32 to read:

33 132415. (a) The authority shall be governed by a board
34 consisting of five voting members and three nonvoting members
35 who shall be appointed as follows:

36 (1) Three members shall be appointed by the City Councils of
37 the Cities of Los Angeles, Pasadena, and South Pasadena, with
38 each city council appointing one member by a majority vote of
39 the membership of that city council.

(2) One member shall be appointed by the President of the Governing Board of the San Gabriel Valley Council of Governments, subject to confirmation by that board.

(3) One member shall be appointed by the LACMTA.

(4) One nonvoting member shall be appointed by the Governor.

(5) Two nonvoting members shall be appointed by the City Councils of the Cities of Pasadena and South Pasadena, with each city appointing one nonvoting member.

(b) All members shall serve a term of not more than four years, with no limit on the number of terms that may be served by any person.

(c) Each appointing authority shall also appoint an alternate member to serve in a member's absence. If the position of a voting member becomes vacant, the alternate member shall serve until the position is filled as required pursuant to subdivision (a).

(d) Members of the board are subject to the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(e) Three members of the board shall constitute a quorum.

(f) The board shall elect a chairperson and vice chairperson from among the membership of the board.

(g) Each member of the board may be compensated at a rate of not more than one hundred fifty dollars (\$150) per day spent attending to the business of the authority. Compensation, if paid, shall not exceed six hundred dollars (\$600) per month, plus expenses directly related to the performance of duties imposed by the authority, including, but not limited to, travel and personal expenses.

(h) Members appointed to the board may include members ~~or employees~~ of the entities set forth in subdivision (a), and members ~~or employees of the cities adjoining the project right-of-way of the city councils or other elected officials of the extension cities, or both.~~ The simultaneous membership described in this subdivision shall not constitute a violation of Section 1099 or 1126 of the Government Code.

SEC. 4. The provisions set forth in Section 2 and in subdivision (h) of Section 132415 of the Public Utilities Code as set forth in Section 3 of this act are declaratory of existing law as they pertain to conflicts of interest, incompatible offices, or incompatible activities, and the ability of board members; *and* alternate members;

1 ~~officers, and employees~~ to participate in decisions and agreements
2 regarding the ~~Pasadena Metro Blue Line~~ *Metro Gold Line Foothill*
3 *Extension* Construction Authority, any of the entities set forth in
4 subdivision (a) of Section 132415 of the Public Utilities Code, and
5 any of the cities adjoining the project right-of-way.

6 SEC. 5. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.

11 SEC. 6. This act is an urgency statute necessary for the
12 immediate preservation of the public peace, health, or safety within
13 the meaning of Article IV of the Constitution and shall go into
14 immediate effect. The facts constituting the necessity are:

15 In order to avoid delays in the construction of the Metro Gold
16 Line Foothill Extension Construction Authority Phase 2A project,
17 it is necessary for this act to take effect immediately.

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20 CORRECTIONS:

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